

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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LOREN M. RIDINGER, individually and on  
behalf of the Estate of James Ridinger,

Plaintiff,

- against -

RALPH K. STONE, RACHEL L. GOULD and  
MEISTER SEELING & FEIN LLP,

Defendants.

**22 Civ. 9082 (VM)**

**ORDER**

**VICTOR MARRERO, United States District Judge.**

After initially engaging in pre-motion letter practice under the Court Individual Rules of Practice with respect to the initial Complaint filed in this action, and before the Court could rule on Defendants' request to file a Motion to Dismiss, Plaintiff sought leave to amend the Complaint to address certain deficiencies brought to light through the Court's informal practice. The Court granted that request and directed Plaintiff to file a First Amended Complaint ("FAC") by January 20, 2023, with Defendants set to respond within fourteen days. (Dkt. Nos. 25, 26.) In lieu of an Answer, Defendants filed a Motion to Dismiss the FAC on February 3, 2023, with supporting papers. (Dkt. Nos. 27-29.)

The Court's Individual Rules of Practice require parties to engage in pre-motion letter practice with respect to a Motion to Dismiss "prior to filing such a motion and before

the time to do so as of right has expired.” Individual Practices of U.S.D.J. Victor Marrero § II.B.1. Although the parties engaged in this informal practice with respect to the original Complaint, the parties have not done so for the FAC. Accordingly, Defendants are directed to withdraw their pending Motion to Dismiss the FAC and comply with Section II.B. of the Court’s individual rules of practice.

**SO ORDERED.**

Dated: 7 February 2023  
New York, New York



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Victor Marrero  
U.S.D.J.